IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO. 428 OF 2003

IN

SUMMARY SUIT NO. 566 Of 2003

Chandrakant K. Chauhan .. Plaintiff

versus

Perfect Pressing & Anr. .. Defendants

...

Mr.J.V. Parmar for the plaintiff.

CORAM : D.G. KARNIK,J.

DATED : 2nd March 2005.

P.C.:

1. Heard the learned counsel for the plaintiff. None present for the defendant.

2. The plaintiff hands in affidavit of service and original documents. From the affidavit of service, it is clear that the Summons for Judgement was served on the defendant through its Advocate on 22nd may 2003. Despite service of summons, the defendant has not filed an application for leave to

defend nor filed any affidavit in reply. In the circumstances, the averments made in the plaint and Summons for Judgement are deemed to be accepted.

3. Perused the plaint and the documents produced. They are record and marked Exhibit "A" colly. The documents consists of office copies of the invoices and lorry receipts. The plaintiff issued notice to the defendant through its Advocate on 23rd May 2001 and 10th April 2002. By the reply dt.19th July 2002, the defendant disputed the correctness of the bills but did not deny the receipt of the goods. The defendant has not produced any material to show that the bills which have been disputed by him are incorrect. In the circumstances, I am not inclined to accept the uncontroverted statements made in the plaint. The plaintiff is entitled to a decree under Order 37 Rule 3(6) of the Code of Civil Procedure.

4. Hence, Summons for Judgement is made absolute and the suit of the plaintiff is decreed as per the prayer clause in the plaint.

5. Issue Court fee refund as per rules.

D.G. KARNIK, J